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**DATE: MARCH 2, 2007**

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**FACSIMILE TRANSMITTAL SHEET**

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<b>FROM:</b>	<b>PHONE NUMBER: EMAIL:</b>	<b>BILLING NUMBER:</b>	
John P. Blasko	(609) 895-6639 <a href="mailto:jblasko@foxrothschild.com">jblasko@foxrothschild.com</a>		
<b>NUMBER OF PAGES:</b>	<b>CHARGE FILE #: PRIORITY:</b>	<b>LOG NUMBER:</b>	
6	05794.00002      RUSH		

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URGENT    FOR REVIEW    PLEASE COMMENT    PLEASE REPLY    FOR YOUR INFORMATION

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**NOTES/COMMENTS**

U.S. Patent Serial No. 10/551,569; McGuigan Christopher et al.; for "Heterocyclic Compounds For use in the Treatment of Viral Infections"

1. Transmittal Form (1 page)
2. Response to Notification of Defective Response (2 pages)
3. Copy of Notification of Defective Response (2 pages)

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PTO/SB/21 (09-04)

Approved for use through 07/31/2008 OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

10/551,569

Filing Date

I.A. Filing Date: April 4, 2004

First Named Inventor

McGuigan Christopher

Art Unit

Unknown

Examiner Name

Unknown

Attorney Docket Number

05794.00002

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavit(s)/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
<b>Remarks</b>		

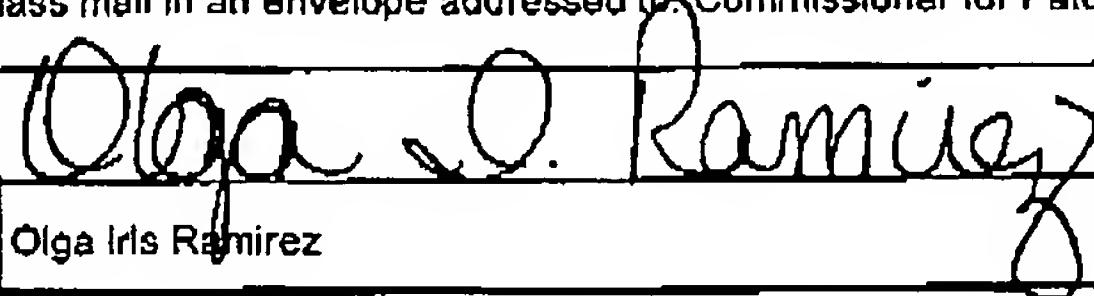
## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Fox Rothschild LLP		
Signature			
Printed name	John P. Blasko		
Date	March 2, 2007	Reg. No.	31,149

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature



Typed or printed name

Olga Iris Ramirez

Date March 2, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete. Including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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*John E. Balzarini* *Jan Balzarini* *3/2/07*

Printed Name Signature Date

Attorney Docket No. 05794.00002

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

U.S. National Phase Application of  
PCT/GB2004/001687

First Named Inventor  
McGuigan, Christopher

Application Serial No.: 10/551,569

I.A. Filing Date: April 4, 2004

For: HETEROCYCLIC COMPOUNDS FOR USE IN  
THE TREATMENT OF VIRAL INFECTIONS

: Group Art Unit:  
: Unknown

: Examiner:  
: Unknown

X

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Alexandria, VA 22313-1450

**CLARIFICATION IN RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE**

Sir:

This response is being filed, via facsimile, in response to the Notification of Defective Response mailed February 2, 2007. In the Notification, the PTO requested clarification as to why the 3<sup>rd</sup> inventor's name is spelled differently on the declaration than on the international application.

In response to a Notification of Missing Requirements mailed August 2, 2006, Applicants filed a fully executed declaration of the inventors on October 13, 2006. The declaration is signed by all three actual inventors identified on the Application Data Sheet filed on September 30, 2005, namely, Christopher McGuigan, Jan Balzarini and Erik de Clercq. However, a clerical

Appl. No. 10/551,569  
Response to Notification mailed February 2, 2007

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typographical error with respect to the family name of the third-named inventor in the document, i.e., "de Clerc q" was typed in as "de Clerq" (omitting the letter "c") on the declaration form. The signature on the declaration is the signature of the actual inventor Erik de Clercq and therefore complies with 35 U.S.C. 115. There is no change of inventive entity from the one identified in the International Application and on the Application Data Sheet. Accordingly, Applicants respectfully submit that all of the requirements for acceptance under 35 U.S.C. 371 have been met, namely, a declaration signed by the actual inventors has been filed. Issuance of a Notification of Acceptance and early examination of the application are respectfully requested. Should the PTO desire a supplemental declaration, please contact the undersigned.

**CONCLUSION**

Applicant believes that Applicant has fully responded to the PTO's concerns. Applicant requests that any questions concerning this matter be directed to the undersigned at (609) 895-6639.

Please charge any deficiency and/or credit any overpayment to Deposit Account No. 50-1943. Thank you for your kind consideration in this matter.

Respectfully submitted,

Date: March 2, 2007

  
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/551,569	McGuigan Christopher	05794.00002
INTERNATIONAL APPLICATION NO.		
PCT/GB04/01687		
I.A. FILING DATE	PRIORITY DATE	
04/21/2004	04/25/2003	
CONFIRMATION NO. 3842		
371 FORMALITIES LETTER		
 OC000000022290836		

Date Mailed: 02/02/2007

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 09/30/2005
- Copy of the International Search Report filed on 09/30/2005
- Preliminary Amendments filed on 09/30/2005
- Information Disclosure Statements filed on 12/28/2005
- Oath or Declaration filed on 10/13/2006
- U.S. Basic National Fees filed on 09/30/2005
- Priority Documents filed on 09/30/2005

Applicant's response filed 10/13/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 08/02/2006 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

10/15/2006 10/15/2006

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and International filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - The 3rd inventor's name is spelled differently on the declaration than on the international application. Please clarify.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed

to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
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JOHN L ANDERSON

Telephone: (703) 308-9140 EXT 211

PART 2 - OFFICE COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/S: 1,569	PCT/GB04/01687	05794.00002

FORM PCT/DO/EO/916 (371 Formalities Notice)